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HARVARD LAW REVIEW.

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NOTES.

IN publishing the first number of the HARVARD LAW REVIEW the editors feel it necessary to offer a few words of explanation. The REVIEW is not intended to enter into competition with established law journals, which are managed by lawyers of experience, and have already a firm footing with the profession.

Our object, primarily, is to set forth the work done in the school with which we are connected, to furnish news of interest to those who have studied law in Cambridge, and to give, if possible, to all who are interested in the subject of legal education, some idea of what is done under the Harvard system of instruction. Yet we are not without hopes that the REVIEW may be serviceable to the profession at large. From the kind offers of assistance on the part of the professors in the Law School, and from the list of the alumni who have consented to write for the REVIEW, we feel sure that the contributed articles will prove of permanent value.

It will be our aim to develop the REVIEW on the lines we have indicated, in the hope of deserving the support which we have already received. If we succeed, we shall endeavor to enlarge our field as much as is consistent with our plan. If we fail, we shall at least have the satisfaction of believing that our work has been honestly done in the interests of the Law School and of its alumni.

DURING the present year a new departure has been made in the line of student law-trials, which, owing to the fact that it bids fair to become a permanent feature of student work, is worthy of some comment. The plan embodied the conduct of a complete jury trial from the formal opening of court to the rendering of verdict, and, in spite of many obstacles, has been carried out with remarkable success. The object was to assimilate the trials as nearly as possible to actual trials. This has

been accomplished by the selection of fully reported cases, the giving out of testimony in parts to those acting as witnesses, and the requiring the counsel to work up the case entirely from the testimony procured from the witnesses, without previous knowledge of the case from the report.

One is struck with the value in many ways of such trials, provided they are not undertaken too frequently. The student of law, from the nature of his work, is barred from that varied intercourse with men, that personal element, we may call it, which renders the practice so fascinating, and any plan which makes it possible for the student to introduce something of this into his work is to be commended. Aside, too, from the excellent practice afforded to those who take part, such trials may be made a means of familiarizing those who witness them with the actual court practice of English and American courts. One other point suggests itself. The Law School has hitherto furnished nothing to attract the college students within its walls, and kindle an interest among them in the study of the profession which so many of them adopt. Does not this year's experience show that these trials are adapted to serve just that purpose?

There is one weakness in the trials as now conducted which it would be well for those to remedy who have it in hand next year. As yet no way has been found in which to make the cross-examinations a complete success. The counsel ought, in some way, to be given a broader knowledge of the case, which might serve as a basis for cross-examination.

As the comparative merits of a third year at the school, and a third year in a lawyer's office, are so often discussed, the following extract from President Eliot's last report may be of interest both to graduates and under-graduates: "It is good evidence of the value of the full three years' course that, for several summers past, the school has been unable to fill all the places in lawyers' offices which have been offered it for its third-year students, just graduating. There have been more places offered, with salaries sufficient to live on, than there were graduates to take them."

PROFESSOR LANGDELL, in his last report, says, in regard to the Harvard Law School Association, "That the Association has already rendered a very valuable service to the school there can be no doubt; and, if its influence has not already been felt in increasing the number of students in the school, it is doubtless because sufficient time has not yet elapsed to enable it to make itself felt in that way. The gentlemen who conceived and started this enterprise, and who have spared neither time nor labor in carrying it out, are entitled to the lasting gratitude of every one who has the welfare of the school at heart."

It may not be generally known that a chair of international law will eventually be established as a regular professorship in the school. A sum of about \$50,000 has been left for this purpose, subject only to the life estate of the testator's sister. At her death, then, the corporation

will come into possession of this amount, and another professorship will be added to those which the school already possesses. The course in international law, which is now one of the regular college courses in history, will be transferred to the school, but will, undoubtedly, be open to members of the college department if they care to attend the lectures. If possible a gentleman who has had some experience in diplomatic affairs is to be selected to fill the chair.

It is a matter which ought to be thoroughly understood by the students, in choosing their courses, that Professor Langdell's third-year courses are what may be called alternative. Each of them is, in a sense, a two-years' course. Take Equity Jurisdiction for example: this year the basis of the course has been Contract, while next year the subject will be taken up in its relation to Tort. There are, of course, minor branches of the subject which cannot be classified strictly upon this basis, and they are taken up where they seem most properly to belong; but the distinctive features of the two courses may be said to be Contract and Tort.

The name of Professor Langdell's other third-year course—Suretyship and Mortgage—suggests at once the division. Personal Suretyship is discussed one year, Real Suretyship the next. An advantage of the "case system" is seen in its easy adaptability to a division of this kind. The cases may be placed immediately under the one head or the other, as there is an obvious and easy line of distinction. On the other hand, should one attempt to classify the principles according to this distinction he would find himself involved at least in repetition, if nothing worse, since, in general, the foundation principles of Real and Personal Suretyship are the same, though so different in application as to render the separate treatment of the two subjects important.

THE formation of the Selden Society, in England, is an event of the deepest importance to all students in the history and philosophy of the law. The object of this society is, to promote study and investigation in the early principles of the law. No history of the English law, worthy of the name, has ever been written, and, to-day, no book would be more favorably received than a history embracing the genesis of the common law and of equity. At the meeting which brought the English society into existence Lord Coleridge expressed himself strongly of the opinion, that a knowledge of the history of English law is of great importance, both to those who occupy places upon the bench and to those who plead causes at the bar. The historical method of study is the surest path to a sound appreciation of principles, and it is only by a careful inquiry into these principles that a lawyer, or judge, can prepare himself to give a sound opinion upon a given proposition at short notice. With these views the other speakers, including Frye and Lindley, L.JJ., expressed themselves in hearty sympathy. It is worthy of note that Minister Phelps occupied an important position in the first meeting of the society. In moving the first resolution he used the happy expression, that the English law was "a great factor in modern civilization." To produce an harmonious history of this great force, this English common law, which is no longer confined to the bounds of the British realm, is the hope and expectation of the Selden Society.